

REMARKS

The Examiner's "response to arguments" seems to suggest a new ground of rejection, rather than disputing the patentability of the claimed invention over the prior art. For example, in paragraph 1, lines 10-15, it is stated "As best understood by the Examiner, applicant's position seems to indicate that, advertisements inserted into content, after which, a content with inserted advertisements are still stored in cache, rather than 'inserting advertisements into content while content is played back,' however, there seems to be no support for the former in the specification."

However, this is clearly what is claimed in the last clause of claim 27. There it is stated "said interface to utilize said information segment to identify said location while said content is still stored in said cache." Thus, the rejection cannot be based on the grounds that the arguments are not commensurate with the claims. Clearly, they are. Instead, the final rejection raises inappropriately, for the first time, a new ground of rejection -- that the claims are not supported by the specification. Such a new ground of rejection would seem to require withdrawal of the final rejection.

However, in fact, there is support in the specification for the claims as currently positioned. For example, the specification indicates several ways in which the ad insertion may be done. For example, one instruction may be "play commercial ten minutes after the prior commercial." See page 6, lines 13 and 14. Thus, necessarily, the information segment would need to specify the location to insert more than ten minutes prior to the point where the commercial is inserted. Certainly, that long before insertion, the commercial cannot be on its way at light speeds from the cache to the display. For that much time to have elapsed before insertion, it would be necessary that the information segment identify the location of ad insertion while the content is still stored in the cache. The cache is shown, for example, in Figure 1 at local content store 42 content 20.

Therefore, the specification does support the claimed invention and since no further rejection is asserted based on the prior art, reconsideration is respectfully requested.

Respectfully submitted,

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